

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NUMBER 1:20CV66

CARYN DEVINS STRICKLAND,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

) March 23, 2023 Motion denied without  
) prejudice to the filing, within 14 days of the  
) date of this order, of a renewed motion  
) to amend accompanied by the actual  
) amended answer sought to be filed.  
)  
) William L. Young  
) District Judge

**MOTION FOR LEAVE TO FILE AMENDED ANSWER**

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants respectfully move for leave to file an Amended Answer, which is attached as Exhibit A.<sup>1</sup> On motion of Plaintiff, the Court struck the affirmative defenses contained in Defendants' Answer without explanation. See Minute Order dated Sept. 21, 2022. Defendants now seek leave to file an Amended Answer that includes one affirmative defense while reserving all rights with respect to the defenses that were struck. The Amended Answer also revises Defendants' response to one paragraph of Plaintiff's Complaint. Consistent with the permission courts should freely provide under Rule 15—particularly after striking affirmative defenses—Defendants respectfully request that the Court grant leave to amend the answer. Defendants' counsel asked Plaintiff's counsel for Plaintiff's position on the relief sought herein, but Plaintiff's counsel have not yet provided a position.

**BACKGROUND**

Defendants filed their answer in this case on July 29, 2022. ECF No. 127. That answer contained eight affirmative defenses. See *id.* at 1-2. On August 15, 2022, Plaintiff filed a Motion

<sup>1</sup> A redlined draft showing all revisions to the initial Answer is attached as Exhibit B.